IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 1919 of 2005

Between:

1 R. Venkataratnam, S/o Late Venkata Rao,
Hyderabad.
2 V. Sreedhar, S/o Late V. Ramaiah,
House No. 18-1-251, K.T. Road, Tirupati, Chittoor District.

..... PETITIONER(S)

AND

1 The District Collector, Chittoor, Chittoor District.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Tirupathi, Chittoor District.
4 The Mandal Revenue Officer, Renigunta, Renigunta Mandal, Chittoor District.
5 The Chief Executive Officer, Zilla Parishad, Chittoor, Chittoor, District.
6 The Station House Officer (C.I), Renigunta Police Station, Renigunta,
Chittoor District.
7 The Executive Engineer (P.R), Tirupati, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus declaring the action of the Respondents in laying a road from P.N. Road to Sri Lakshmi Nagar Colony, through the petitioner's land in Survey Nos. 536, 537/1 and 2 and 538 of Yerramreddy Palyam Village, Renigunta Mandal, Chittoor District without following due process of law as illegal, arbitrary and without jurisdiction and consequently direct the Respondents not to interfere with the lawful possession of the Petitioner's land and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.G.DASARADHA RAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners state that they are the owners of the land in Survey Nos.536,537/1 and 2 and 538 admeasuring about Ac.13.5 cents in Yerramreddy Palyam Village, Renugunta Mandal, Chittor District. They referred to the various proceedings as well as the writ petitions that ensued in respect of the land and ultimately state that the 4th respondent, the Mandal Revenue Officer, effected mutation in their favour through proceedings, dated 23.05.2002. Their present grievance is that the 5th respondent, Chief Executive Officer, Chittoor is laying road across their land.

A counter affidavit is filed by the 4th respondent, Mandal Revenue Officer. Reference is made to the various proceedings that ensued in respect of the land. It is not denied that as on today, the land stands mutated in favour of the petitioners. The 4th respondent states that in case the 5th respondent is laying road across the land, the petitioners can claim compensation.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

From a perusal of the order, dated 23.05.2002, issued by the 4th respondent, it is evident that he mutated the names of the petitioners in respect of the said lands. The earlier owner K.S.Ramanujam was substituted by the respondents. It is not the case of the 4th respondent that the said order has been modified or varied subsequently.

Therefore, the rights of the petitioners almost stand established by virtue of the order of the 4th respondent himself. If that be so, the question of laying road across the land of the petitioner without acquiring the same does not arise. If the 5th respondent is of the view that the land of the petitioners or any part thereof is needed for laying road, they have to acquire the same by initiating proceedings under the Land Acquisition Act (for short 'the Act').

Hence, the writ petition is allowed and the respondents are restrained from laying any road across the land of the petitioner, except by acquiring the same duly

following the procedure prescribed under the Act. There shall be no order as to costs.

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10.03.2005

Note: Issue C.C. in one week.

(B/o)

Jsu

To

1 The District Collector, Chittoor, Chittoor District.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Tirupathi, Chittoor District.
4 The Mandal Revenue Officer, Renigunta, Renigunta Mandal, Chittoor District.
5 The Chief Executive Officer, Zilla Parishad, Chittoor, Chittoor, District.
6 The Station House Officer (C.I), Renigunta Police Station, Renigunta, Chittoor District.
7 The Executive Engineer (P.R), Tirupati, Chittoor District.

8 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

9 Two CD copies.